

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

IN RE:  
ELIZABETH RAMIREZ  
DEBTOR

CHAPTER 13 PROCEEDING:  
12-70264-M-13

**TRUSTEE'S MOTION TO DISMISS**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

IF A PARTY REQUESTS AND EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THIS MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY-ONE DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

IF A RESPONSE IS FILED BY DEBTOR OR ANY PARTIES IN INTEREST, A HEARING WILL BE SET ON THIS MOTION FOR **9:00 AM ON Thu, Jul 26, 2012**. BEFORE THE U.S. BANKRUPTCY JUDGE AT THE UNITED STATES BANKRUPTCY COURT LOCATED AT:

US Federal Courthouse, 1701 W. Business Highway 83, Bentsen Tower, 8th floor, McAllen, TX 78501

THIS CASE WILL BE DISMISSED TWENTY-ONE (21) DAYS AFTER THIS MOTION IS FILED - WITHOUT NOTICE AND HEARING - UNLESS PRIOR TO THE ENTRY OF THE DISMISSAL ORDER, THE DEBTOR FILED A RESPONSE TO THIS MOTION WITH THE U.S. BANKRUPTCY CLERK'S OFFICE LOCATED AT:

US Federal Courthouse, 1701 W. Business Highway 83, Bentsen Tower, 8th floor, McAllen, TX 78501

- A. REQUESTING A HEARING                      AND
- B. STATING THE SPECIFIC REASON WHEREIN THE TRUSTEE IS IN ERROR;                      OR
- C. (1) CERTIFYING THAT THE DEBTOR has BROUGHT ALL PAYMENTS CURRENT PRIOR TO FILING THE RESPONSE;                      OR  
(2) CERTIFYING THAT THE DEBTOR has FILED A MOTION TO MODIFY THE PLAN PRIOR TO (OR CONTEMPORANEOUS WITH) THE FILING OF THE RESPONSE.

COMES NOW Cindy Boudloche, Trustee, and moves the Court for an Order dismissing the Debtor's case as follows:

1. Debtor is more than fifteen (15) days delinquent on Chapter 13 plan payments . At the time this motion was filed, Debtor was \$1,350.00 in arrears under the proposed plan.

2. Debtor has caused unreasonable delay that is prejudicial to creditors (11 U.S.C. Sec 1307 (c)(1)) and specifically, Debtor has failed to:
  - a) File and/or provide a copy to the Trustee of federal income tax returns or affidavit stating that they are not required to file tax returns;

WHEREFORE, the Trustee prays the Court to DISMISS this case, and further order that all funds paid to the Trustee on behalf of the Debtor hererin be paid to creditors in accordance with the Debtor's Chapter 13 Plan or schedules per the Trustee's normal disbursement procedures.

Dated: Thu, May 31, 2012

Respectfully Submitted:

/s/ Cindy Boudloche

---

CINDY BOUDLOCHE, Trustee  
555 N. Carancahua Ste 600  
Corpus Christi, TX 78401-0823  
(361) 883-5786  
(361) 888-4126

**CERTIFICATE OF SERVICE**

I certify that on or about Thu, May 31, 2012, a copy of the foregoing Motion to Dismiss was delivered to BNC to be served electronically on or by United States mail to Debtor, Debtor's Counsel and all parties on the Court's mailing matrix.

/s/ Cindy Boudloche

Cindy Boudloche, Trustee